



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Baker et al. Docket No: 39780-2830P1C8
Serial No: 10/006,041 Group Art Unit: 1647
Filed: December 06, 2001 Examiner: Rachel K. Hunnicutt
For: **SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND NUCLEIC
ACIDS ENCODING THE SAME**

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Considered
RKH 11/21

DECLARATION OF NAPOLEONE FERRARA, Ph.D.,
AUDREY GODDARD, Ph.D., PAUL J. GODOWSKI, Ph.D.,
AUSTIN GURNEY, Ph.D., JAMES PAN, Ph.D., COLIN K. WATANABE and
WILLIAM I. WOOD, Ph.D. UNDER 37 CFR 1.131

We, Napoleone Ferrara, Ph.D., Audrey Goddard, Ph.D., Paul J. Godowski, Ph.D., Austin Gurney, Ph.D., James Pan, Ph.D., Colin K. Watanabe and William I. Wood, Ph.D. declare and say as follows:

1. We are the inventors of the above-identified application.
2. We have read and understood the claims pending in this application, and are aware that the claims have been rejected as anticipated by U.S. Patent No. 6,525,174 (Young *et al.*, issue date February 25, 2003 and effective filing date June 4, 1998) and U.S. Patent Publication No. 2003/0096951 (Jacobs *et al.*, publication date May 22, 2003 and effective filing date August 14, 1998).
3. The polypeptide designated as PRO1244 (SEQ ID NO:130) claimed in the above-identified application in the United States was sequenced, cloned and homology to implantation-associated protein identified prior to June 4, 1998.
4. At the time the PRO1244 polypeptide was cloned and sequenced, one of the inventors, Austin Gurney, Ph.D., was responsible for overseeing the cloning of cDNAs which